

EXHIBIT 3

bill floyd

From: Bill Floyd <wcbfloyd@ix.netcom.com>
Sent: Wednesday, June 26, 2019 6:12 AM
To: 'Mike Owens'
Cc: Bill Floyd
Subject: RE: FOIA #2019-FS-R8-04932-F

Mike

WOW. This is quite remarkable. If you feel like it, let's talk over the phone about this. I was out of pocket all day yesterday.

From: Mike Owens [<mailto:mountaingeology@frontier.com>]
Sent: Tuesday, June 25, 2019 11:40 PM
To: Bill Floyd
Subject: Fw: FOIA #2019-FS-R8-04932-F

----- Forwarded Message -----

From: Mike Owens <mountaingeology@frontier.com>
To: Luczak, Heather L -FS <heather.luczak@usda.gov>
Sent: Tuesday, June 25, 2019, 11:37:57 PM EDT
Subject: Re: FOIA #2019-FS-R8-04932-F

The fee waiver criteria sheet is "garbled" and unreadable.

Please send another.

Thank you,

Mike Owens

On Tuesday, June 25, 2019, 4:00:33 PM EDT, Luczak, Heather L -FS <heather.luczak@usda.gov> wrote:

Mr. Owens,

Thank you for your email response and subsequent request for records under the Freedom of Information Act (FOIA). Your request has been assigned tracking number #2019-FS-R8-04932-F and is currently on hold pending a response from you regarding fees.

In your June 24, 2019 request, you have asked for the following:

"... records are specifically identified in a FOIA request made by Mr. Bill Floyd on September 22, 2017, dealing with management of this river. I understand the USFS has referenced this FOIA file as #2018-FS-R8-00827-F."

In your request, you have asked for the records compiled for another FOIA request made by another individual that has an outstanding fee due for processing that request. The status of that request does not have any bearing on your requirement under the FOIA to request records or be responsible for any fees associated with processing a FOIA request. You are also correct that your status as an "all other" requester allows the Forest Service to provide you with 100 pages of records and two hours of search time. However, the FOIA does not exempt you from paying fees associated with processing a FOIA request that was never produced to the original requester. That request produced a total of 211 pages. The total amount to process your request is \$42.20. In this case, fees associated with conducting a search for records and 100 pages would be provided to you. But, as an "all other" requester you would be responsible for the 111 pages of records outside of the initial 100. **The total amount to process your request for records is \$22.20.**

To process your request any further, please let us know if you choose to pay the associated fee or would like a fee waiver consideration.

If you feel you still might be entitled to a fee waiver, I have attached a fee waiver criteria sheet for you to use as **a guide in addressing the fee waiver criteria**. Please provide an explanation of how **each** of the six criteria applies to the information you are requesting and your current status as an "all other" requestor.

Required Action

Your request will not be processed any further and is on hold pending a response from you regarding fees. If we do not hear from you by July 9, 2019, we will assume you are no longer interested in this FOIA request and the case will be administratively closed. Please be advised that this action is not a denial of your request and will not preclude you from filing other requests in the future.

If you have any questions about your request, feel free to contact me at the number and email listed below.



Heather Luczak
Forest NEPA Coordinator
Forest Service

National Forests in North Carolina

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